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Remarks

JAN 6 2005

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 5, lines 1-5; page 1, line 8-12), drawings (e.g., FIGS. 1 & 2), and the original claims. Claims 1-10, 15-17, 19-36, 38-55 and 57-58 are pending. Applicant gratefully acknowledges the allowance of claims 48-51 and the indication of allowable subject matter of additional claims.

#### Specification objections

The specification was objected to as not presenting an acceptable abstract. A new abstract is submitted that is believed to be in compliance with the requirements. Thus, this objection should be rendered moot.

#### Claim Rejections – 35 U.S.C. §112

Many of the claims were objected to as containing an informality with regard to the format in which one element is required in the claim to be selected from a group of elements. More specifically, it was stated in the Office Action that, "Applicant may claim 1 of either A or B but may not claim 1 of A and B." Applicant respectfully traverses this objection.

Reciting in a claim the requirement of one element of a predetermined group of elements is well-established. More specifically, the accepted format for requiring one element from a group of elements (A, B, C) is: "one of A, B and C". That is, it is grammatically correct and unambiguous that this phrase requires one element of the group of elements A, B and C. Numerous U.S. patents have issued and continue to issue each week utilizing this format. Moreover, rejections have been raised in the past with regard to the use of "A or B" in which a rejection is made under § 112 as being impermissible alternative claiming that is not clear and definite. Therefore, it is

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respectfully submitted that the recitation in a claim of "one of A, B and C" is in compliance with § 112. Withdrawal of the objection based on this ground is requested.

Claims 7-10, 17-47, 56 and 58 were rejected under 35 U.S.C. 112, second paragraph, in that the meaning of the following terms were said to be not clear: PPM, P-Phone, and DAML. Applicant was requested to point out areas of the specification that explain these terms. The definitions of the PPM and DAML acronyms are described in the second paragraph of the Background section on page 1. In this communication, the second paragraph on page 1 is amended to recite the known meaning of "P-Phone". Applicant attaches a page entitled, "Aztek's P-Phone Solution" that can be found at [www.ikon-gmbh.com/pdf/p-phone-brochure.pdf](http://www.ikon-gmbh.com/pdf/p-phone-brochure.pdf). Those skilled in the art at the time of the filing of the subject patent application would know and understand the meaning of these terms. Further, these types of services are acknowledged in the second paragraph of the Background section to comprise "common offerings". The requirement of 35 U.S.C. § 112, second paragraph, is that the specification contain claims "particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." The recitation of known services is in compliance with this requirement. Thus, it is believed that the use of these terms in the claims is in compliance with the second paragraph of § 112, and withdrawal of the rejection is respectfully requested.

Although it is not believed to be required, applicant can provide a short description of these terms to be incorporated into the specification should the Examiner find this necessary. This would not constitute new matter since the terms are in the original specification and the added description would only further define them in a way known to those skilled in the art.

Allowable Subject Matter

Claims 48-51 were allowed.

Claims 4-8, 14-16, 20, 24, 31, 32, 40, 52, 53, 57 and 58 were only objected to.

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Only claims 1-7, 11-13, 17, 19-25, 27-30, 33-34, 36, 39-41, 54, 55 and 57 were rejected based on prior art.

The subject matter of claim 14 (not rejected based on prior art) is incorporated into claim 1. Since it is believed that the § 112 rejections are overcome, claim 1 should now be in condition for allowance.

The subject matter of claim 18 (not rejected based on prior art) is incorporated into independent claim 17, and hence it is believed that claim 17 is in condition for allowance.

Claim 31 was indicated as being allowable if rewritten in independent format including limitations of base claims. Claim 31 is rewritten in independent format and is thus in condition for allowance.

Independent claim 33 is rewritten to incorporate the subject matter of claim 37 which was not rejected based on prior art. Thus, it is believed that claim 33 is in condition for allowance.

Independent claim 54 is rewritten to incorporate the subject matter of claim 56 which was not rejected based on prior art. Thus, it is believed that claim 54 is in condition for allowance.

#### Claim Rejection - 35 U.S.C. §102

Claims 1-7, 11-13, 17, 19-25, 27-30, 33-34, 36, 39-41, 54, 55 and 57 were rejected under 35 U.S.C. 102 as being anticipated by Valentine (U.S. Patent No. 6, 356,547). This rejection is traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the applied reference is missing at least one element of each of applicants' independent claims, applicants respectfully submit that the claimed invention is not anticipated by the applied reference, as further discussed below. For explanatory purposes, applicants

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discuss herein one or more differences between the applied reference and the claimed invention with reference to one or more parts of the applied reference. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied reference correspond to the claimed invention.

The only currently pending independent claim not allowed or allowable as explained above is claim 4. This claim is now rewritten in independent format and it is clarified that the line card supports a single subscriber line that supports multiple simultaneous services. In the Office Action claim 4 was rejected as being anticipated by Valentine. It was stated that Valentine disclosed that various services are coupled in parallel to the multiplexer 104 as illustrated in figure 3 (column 7, lines 8-21). Applicant understands that figure 3 of Valentine shows individual line pairs 102 go to different subscribers and that one of the services indicated could be supplied to a subscriber. That is, this figure merely demonstrates that the programmable frequency shift devices 106 can be programmed to cover a spectrum suitable for the service associated with an individual subscriber line. This figure and the associated text do not teach or suggest that each individual subscriber line could be simultaneously served by two or more different services. Therefore, claim 4 is not anticipated or rendered obvious by Valentine.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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